THE MOTION BEFORE JUDGE BALCOM AT BING-HAMTON-ARGUMENTS OF R. W. PECKHAM, JR., AND HENRY SMITH ON BEHALF OF THE PLAINTIFF RAMSEY AT THE SUPREME COURT, SPECIAL TERM, ON THE MOTION OF THE DE-FENDANTS TO VACATE THE ORDER GRANTED BY JUDGE MURRAY SUSPENDING GOULD,

FISK, LANE, AND OTHERS. A motion was made a few days ago in the Ramsey-Erie case to set aside the orders of Judge Mur-ray suspending Fisk, Gould, and Lane, with a bare mirity of the Lrie directors, from their position, and enin the most stringent terms those directors and Erie Railway Company from taking any steps to set to those orders. This motion was argued by Mr. Field schalf of the Erie Railway Company and the sus-ided directors, and a full report of his remarks wa-lished in The Times. The following are the argu-ts on the other side:

per litters to souther, that is from one judge to another, and upon one typers passed upon by the first. Under such circumstances, fourt should rehise to interfere. Again, we say that the Court has to upon an cerearry application, to suspend, officers, where it shall are that there is just ground for doing so. The language of the te given that power. I refer to the Third Revised Statutes, fifth as a page 162, sub-division 2 of section 31-The Supreme Court has power "to suspend any trustee or officer from exercising his unbouser it shall appear that he has abased his trust." The fact special terms of the Supreme Court have for years past seted upon statute is that particular way, is sufficient reason why this Court down that a Sherial Form we will not interfere, nor presume to

plants. I refer to the bosoning lates, several to the Eric Railway Compunging efficients:

1. That Jay Goold was elected President of the Eric Railway Compung on the Brith day of July. 1803, the same day that Mr. Elsfridge realigned; and that on that same day the defendants, Fisk, Lane and Goold, became three of the five members of the Executive Committee.

We claim that this, and those which I shall cite herein, are facts appearing in the case, not upon more information and belief, as the coursel missis, but upon positive testimony, and from the sources therein stated, and entitled to be considered in this case as true for the purposes of this mation.

of this motion.

In appears that in consideration and in part execution of a contract in plan (referred to in the complaint). Mr. Editridge resigned as President Executive Committee.
 That upon the accession of these defendants, Gould. Fisk, and Lane at the direction, the common stock of the Company was about

(800,0.0.
At that time the articles of association (the charter of the Com-provided for quarterly meetings of the Board of Direction, which clea have never since been altered.
The by-lives of the Company provided for monthly meetings of the

4. The by hear of the Company provided for monthly meetings of the Board of Direction.

5. The by-law also provided for meetings of the Executive Committee, in the intervals of the meetings of the Board, and the acts of the Committee should be subject to the railbeation and approval of the Board at its next meeting.

6. From the election of Gould and his friends in August, 1868, to October, 1850, there was no meeting of the Board of Direction.

7. From the meeting of the Board of Direction.

7. From the meeting of the Board in October, 1868, to the reflection of Gould, &c., in October, 1869, there was but one meeting of the Board called to ratif a contract, and insting but a few moments.

8. During this interval some \$5,000,000 of convertible bonds were issued and converted immediately into stock, and \$5,000,000 of stock issued; the same belian accomplished by Fisk, who, without the knowledge of more than one other Director of the Company, scalability, in its office took from a clerk two stock books of the Company, whit about \$5,000,000 of stock certificates, sixed and rescreted by the effects of the Company, but only for actinary use in stock sales and transfers, which books Fisk testifility carried away, and caused the same to be inside autreptitionally, see in one of two days.

or two days.

or two days.

d & Co., also during this time, in addition to the shore #10.

saved convertible bounds, which have been converted into the shore of the Company, so that from #24,000,000 in 1865, it stands

common stock of the Company, so that from \$24,000,000 in 1068, it stands now at \$70,000,000.

10. They have received during this time, tee, \$5,000,000 from Brew, its last Treasurer, \$19,000,000 from earnings of the road, \$10,000,000 for new stock, \$50,000 for additional sterring bonds, \$40,000 Long Bock bonds, being it all \$41,200,000.

11. This more than doubling of the stock in a single year has been attended with no material addition or extensions of its line or equipment, now with the payment of a dollar as dividend, even upon the preferred stock; now with any advantage in cheapness, safety, or comfort of transportation over its road.

over its road.

What has become of this \$40,000,000 of money received by these used and the answers come back to the Gold Reom to the Stock Exchange to the counting-room of Smith, Gould, Martin & Co., to the offices of the Krie Rainway Company is the Grand Opera House, and to the pockets of Gould, Fisk, and Lose, and you writ be satisfied on that point.

12. The meetings of the Executive Committee have been secret, and the Secretary has not even knagetings of all that has there been done. This, is direct defiance of the bylasse, which, however, this Committee has assumed to change, but without authority.

has assumed to change, but without symbolic.

13. All these issues of bonds have been small by these three men, not only without the suthority of the Bond of Directors, but a majority of its members were in entire ignorance of it until it came out in the pa-

pers.
14. Mr. Diven says that although himself a director, and at the offices A. Mr. Divers says into an interest a director, and at the onices of the Company when in town, and ready to do any business which is given to him, yet, so far as he can see, the men who now manage the Eric Railway Company are Gould, Piex and Lane. He says he was ignorant of the issue of these bonds until he saw it in the newspapers of the day? Truly a him way to consider the business of a mammoti corporation like the Eric, in such a manner that only about three of the screenteen directors know anything of its government, condition, or forced when the condition of the condition

notal wants.

Why have a Beard of Directors? Why not say to these men. Take it use this Company and its funds as you see St, and return to us such Why have a Beard of Directors 1 way see fit, and return to us such all, use this Company and its famils as you see fit, and return to us such belance as you may have no use for.

10. These men also paid Vanderbilt nearly \$5,000,000, and then irrought said to recover it bark, and in their complaint allege that these payments were made from the property of the Eric Hailway Company, without any lanfel or rainable or sufficient consideration, although when the money was paid it was paid by their means, they acting as and for

of the Brief was company.

if is shown that in January, 1988, at the commencement of the raid
is shown that in January, 1988, at the company ranged in values
persons, the stock and bonds of this Company ranged in values
a 415 000 000, and in Nov. 1, 1899, at about \$31,000,000—while

The tourn—To what decision do you refer!

M. PACKHAN—I refer to the decision didd in the compilale, and to the fact that the bonds must be bested in good faith by the parties who it make the leavest in good faith, as has been been for first and the present They must be leaven in good faith, as has been been for first and the leaven in good faith, as has been been for first and the leaven in good faith, as has been been for the parties of the parties of the leaven in good faith, as has been been been been been relieved. The parties of the leaven in the parties of the parties of the leaven for first \$3.00.000 or \$40.0000 or

dare, and witness would be required to do spon the stand. Unfor such strange circumstances of concealment and secreet upon their part, may we not, with permitter appropriateless. Start their imaginity back upon themselves! Why have they not given the details and particulars if they are monocul and if they have not disappropriated family? Why do they not show, if they can, that it is not true that they have entered much these corrupt combinations to control the read! They leave these charges against them wholly unexplained, and there is no attempt to justify any of these things if they are true.

But my learned friend (Mr. Gray) thinks be has discovered bow they may escape responsibility, he was those men have been re-elected, and likess this case in that respect to the case of Congress I do not see the analogy, except that which is personal to Brooks and these destrack down benafor somes upon the floor of Congress. I do not see the analogy, except that which is personal to Brooks and these defendants. Where a man is re-elected to a public office by this people, that is one thing, and where he is re-elected by the very fraudulent stock which the himself has insunfactoried, that is another and an earlierly different thing. Where a man gets into an office of a corporation, and there by manufactoring fraudulent shock unanges with it to outvoid the law fluid stockholiers, can it be that his own fraudulent and dislinest act is to give him power to re-elect himself, and that he can had his office on such votes? I a that the way that James Plat, jr., & to are to have pussession of the Eric Radironal? Thuy issue shock to give themselves a majority, if you please, of five milliance, and then, by means of this stock continue thouseives in office as long as they please. If we lead at the character of these who were elected, and saw what their relations were, it is done to reveals the nature of this whole transaction. A bruther of Jay Gould and permered for Jay Gould and perponent and these elected.

These are not the kind

that might arise while the receiver was proceeding to take possession of the property.

What effect these orders will have, if they are allowed to stand, has been, and probably will be to-day, the great point made and harped upon by the learned gentleman who is to follow me (Mr. Frield). Our opponents endeavor to frighten you with the fearful prospective calanity that the Eric Road will be driven into by these orders. Mr. Gray and that the Eric Road will be driven into by these orders. Mr. Gray and that it there are notes to large amounts, which must go to protest. He says there are labilities incarred by these very officers to large amounts. Suppose there are, these orders do not interfere with the controlling or amanaging of the road. These orders do not prevent the Directors from a appointing other men for the administration of the affairs of the road. Has it come to this, that only Jay Gouid and James Fisk, jr., can manage this road! Have matters indeed reached a point where, if Jay Gouid eaces to breathe, even temporarily, this road must go into bankruptey! If so, it is time to see it, for Jay Gouid cannot live always. But they are that James Fisk, jr., is controller, and that his services are abnorable as a service of the services are abnorable as a service and the services are abnorable as a service and the services are abnorable as a service of the service of the service and the subordinates of these men, shall be required to take their hands of All we sak is that Jay Gouid, and James Fisk, jr., and Lane, and the subordinates of these men, shall be required to take their hands of and not interfere with the books and papers and property of the Company until an investigation can be had. We prefer that the Directors shall the present management of the road to their brother Directors until their conduct can be investigated. I understood a remark to be made by counsel upon the other side implying that there had been an increase of the income of the road under the prevent built if The prefere to the hards of

JUDGE BLARCOM'S OPINION.

The opinion of Judge Blarcom in the above case is a very long one. The following is the closing part:

'If I have been able to understand the whole 349 folios in the plaintiff's complaint, it contains no important charge of improper acts against any defendant in the case, since the stockholders in the Eng Railway Company

elected the defendants Directors in October last past, except those touching the issue \$5,000,000 worth (at par) of convertible boads of the Company to defray the expense of laying a narrow-gauge track on its road bed, so that narrow cars can be run from Chicago to Jersey. City. I should say if that proposition were fairly and honestly carried into effect, it would be a benefit instead of a loss to the stockholders and creditors of the company, and that there could be no reasonable objection made to if, unless by competing railroad companies or the owners of stock in them. Four of the eight suspended directors, as I read the plaintiff's complaint, were never directors prior to their election in October last. But those four have been suspended and enjoined in various ways, because of the plaintiff's fears and of acts alleged to have been doue previous to that month by other directors, one of whom is a brother of the President of the Company, and related by affinity to another suspended director. I think nothing need be said to show the impropriety (to use no other word) of their suspension without previous notice of the motion for that purpose. To sustain the order suspending them the Scripture rule, that visits the sin of fathers upon their children unto the third and fourth generation, must be extended laterally.

If the plaintiff was the owner of the stock of the Company.

the third and fourth generation, mass to early, erally, erally.

If the plaintiff was the owner of the stock of the Company previous to the election of directors in October last (which is not alleged), he should have procured a proxy from the person it whose name it stood on the books of the Company, and voted against the directors who he now alleges are unfit for their offices. Many millions of dollars of the stock, perhaps forty, or fifty, or more, may then have been voted upon; and yet, according to the complaint, only "is few" stockholders voted against the

complaint, only "a few" stockholders voted against the complaint.

I think the plantiff nowhere Iclaims in his complaint that he was ignorant of the alleged misconduct of the eight suspended lirectors prior to their election in October last, or that he or any stockholder or bondholder or creditor of the company from whom he derives title, ever remonstrated against such alleged misconduct, or took any measures to prevent it. Nor does it appear that either of the mis directors, who are not suspended, have used reasonably efforts to have more frequent or regular freetings of the Board of Directors than have been fall. Nor have any considerable portion of its stockholders made any effort in that direction. Stockholders made any effort in that direction stockholders who did not vote against the suspended drectors, at the last election of directors, must be deemed to have acquiesced in all acts or imprividence, and all acts arising from misjudgment by any of such directors, done prior to such election, of which said stockholders had information sufficient to put tiem upon inquiry. Stockholders who will not look after their interests out of court should not come into court for favors or orders resting in the discretion of the court.

There must be differences in opinion respecting the propriety and mounts of expenditures for depot buildings, offices, alops, and equipments for railroads, and touching theirconnections and extensions, and also as to changes in the locations of their offices, shops, and other buildings; and courts cannot interfere with the discretion of drectors in such matters. The neglect of stockholders by vote at that time might elect whomsoever they saw if if if if it is a majority of the stockholders of the company; whether they were moral of immoral men, or wasteful, or extravagant, or imprivadent in the management of the affairs of the company. The law does not prescribe the moral qualifications of directors is and that they could make Brigham Young a director; and that they could make Brigham You

hear it. I. W. Peckham, jr., and Henry Smith, for plain tiff. Hirm Gray, David Dudiey Field and T. G. Shear man, for efendants.

SUPREME COURT-SPECIAL TERM.

Befor Mr. Justice Cardozo.—Caroline Dunn agt Edward Matlog.—This case came up on a motion to substitute Mr. Santord as plaintiff's attorney in place of Mr. Ryai, her present attorney. In her complaint she set up ambduction by the defendant, and then an obtaining from her, partly by influence, partly by coercion, a gift of certain property which she seeks to recover. Mr. Sanfird, who made the motion, produced a letter sized byher destring the substitution. The other side produced the woman herself. She testified that the letter had been written under Mailoy's influence, and was dictated by Mr. Sanford or his partner, and that she did not now estre a substitution. On cross-examination she testified that Mr. Sanford had been particular to tell her if her couplaint were true she should prosecute the action, and on asking whether it were true she told him that it we not, but she claimed this was under Mailoy's influence, even that day she had, on her way to Court, told Mr. lanford she desired the substitution; only since she camen the room had she changed her mind. Mr. Sanford bereapon withdrew the application.

Before Ir. Justice Cardozo.—The Allen Lunacy Case.—In rr. Allen.—This case was up again for argument yesterday before Mr. Justice Cardozo.—Ex-Judge Strong, before commencing his argument, read an affidavit on behalf of the Committee to the effect that Mrs. Allen's wearing apparel had not been sold by him. Mr. Strong then proceeded to argue that the report of the referee, that the lommission should be superseded, should not be confirmed for irregularity. It was taken under a stay of proceedings which was valid, or if not, which the attorney for the Committee had a right to believe valid, and that he had has lost the opportunity of examining witnesses.

Judge tardozo here said that he had no desire that the Befor Mr. Justice Cardozo.-Caroline Dunn

nesses.

Judge tardozo here said that he had no desire that the Judge tardozo here said that he had no desire that the miscondust of the attorney should deprive the other said of any substantial rights. He adhered fully to the views of his own urisdiction and of the nature of the proceeding he had before expressed. He was willing that the referee should take such further testimony as they might desire to present, provided that the interruptions which had been attempted should not be repeated. He would, if they would, stipulate not to hinder or delay the referee's proceeding; send is back to him, or else if they had other testimony to offer he would take it before himself.

Mr. Stong said he could not stipulate, not being the attorney, iat he thought the attorney would be willing to so stipulate provided it did not interfere with the appeals taken.

Judge tardozo said he had nothing to do with the appeals, theigh he did not suppose there was anything in

peals, though he did not suppose there was anything in the proceeding appealable until his final decision on the coming it of all the testimony.

Mr. She asked that a further stipulation be inserted.

Mr. She asked that a further stipulation be inserted. Mrs. Allaf was in actual poverty, and depetident on charity. From the property sold he understood several thousanddollars had been received by the 'Committee, but he had never remitted a dollar to Mrs. Allen, or for the support. He asked that some proper allowance for that purpose be made a stipulation in the order opening the testimeny.

Mr. Justice Cardozo said on that fact property appearing before him on anidavit, he would make that part of the stipulation.

The mater was then adjourned over to Thursday to allow Mr. strong to communicate with the icommittee's attorney.

attorney.

STRUGGLE FOR THE POSSESSION OF A CHILD. In the Supreme Court, at Special Term, yesterday, before Justice Cardozo, the Lewis alleged kidnapping case was again on, in the presence of a large crowd. The direct examination of Dr. Lewis was resumed. The parties to the case were all present. Dr. Lewis corrected his evidence given on Friday by saying that it was five years next May instead of last May since he went to Boston to live. The witness then repeated his evidence given on Saturday with reference to sitting up with Mrs. Lewis on one of the nights between the 12th and 19th of April last. By Mr. Crosby: Q. Was there any objection made to your using the conch that night. A. Yes, Sir; it was taken a pay and moved back by Mrs. Allen: Mrs. Levis's bed was behind the bureau, and she asked me to pesh it out. Mrs. Allen came in and said, "Why is that purout there?" I said my wife wants it there. She said it should not be put there, and then she pushed it back into the further edriner of the room.

Q. Hew long was that before the conversation with Mr. Bigelow? A. Within three days.

Q. Did you state the substance of this transaction to Mr. Bigelow? A. I do not think I did, Sir. I gave it to himsin general terms. I thought it was a little more than a white man could stand.

Q. About the 1sth of March hast were you in New-York with Mrs. Lewis? A. Yes, Sir; I was; Mrs. Lewis and I left Boston about the 10th, and stayed here until about the 1sth. I came here to close an arrangement to go on one of the Pacific Mail Steamship Company's steamers; I communicated that intention to Mrs. Lewis about a week before I left Boston; she came down to the St. James Hotel to dine with me, and we had a very carnest conversation; she said if we had more time I am satisfied these things could be explained and made right; she afterward consented to accompany me to New-York that night; we stayed here about eight days, and returned to Boston together; I went to the St. James Hotel, and she returned to her mother's.

Q. Was that trip a pleasant one? A. Weß, she was feeling very badly; In the Supreme Court, at Special Term, yes

against Mrs. Lewis at this time. A. No, Sir; on or about the 22d of April last I received a letter from Mrs. Allen in reference to my leaving the bouse. The letter is at present in the possession of Mesers Souher & Welsh.

Cross-examined by Mr. Howe—Q. I understand you to say that you have no aspersion whatever as to your wife's character or fame? A. No, Sir.

Q. When did you leave Boston to come on here this last time? A. I think it was in October or November; for a few weeks prior to this time I had been stopping in Boston; previous to that time! I passed the Summer at Long Branch, that is from the 15th of June until the 11th of September; I then came to New-York and stopped at No. 9 East Twenty-second-st., remaining there some days; I then went to Boston and stayed just 10 days, and came back to New-York, about the 23d of September; went to No. 9 East Twenty-second-st., cannot tell how long I stayed there, and then went back to Boston; lived at the St. James Hotel after my return to Boston; lived at the St. James Hotel after my return to Boston; that is not my permanent residence.

Q. Do you not pay taxes in Boston? A. I have not paid any taxes this year; I don't know whether I am assessed.

Q. Do you know who it was that served you with a libel in Boston? A. Yes, Sir, Mr. Martin; it was served on me the 22d day of April at 5:39 p. m.

Q. That suit is still pending. A. I think it is.

Q. Since the service of that libel on you, you have not been to Mrs. Lewis's house to remain with her. A. No, Sir; I have not seen her until I saw her here the other day.

Q. There was some paper restraining you from inter-

day.

Q. There was some paper restraining you from interfering with the child. A. I don't recollect the exact words of the paper; I don't recollect any such clause as "restraining me from interfering with the child."

Q. Do you not know that that paper awarded the custody of the child to the mother? A. I don't know that it did.

Q. You put in an answer to that libel? A. Yes, Sir.

Q. Do you remember what you set up in the answer?

A. I do "See parents". Q. You put in an answer to that libel! A. Yes, Sir. Q. Do you remember what you set up in the answer! A. I do, Sir—perfectly. Redirect (by Mr. Crosby)—Q. Do you not know that there was some paper served upon you that was an order of the Court giving the custody of the child to Mrs. Lewis! A. Yes, Sir.

Lewis 1 A. Yes, Sir.
Q. When you were at Long Branch you were practicing your profession 1 A. Yes, Sir.
The examination was then adjourned until to-morrow, at 11 a. m.

UNITED STATES COMMISSIONERS' OFFICE. Burglary at West Point .- Charles Miller and Charles Brown were brought before Commissioner Os-born yesterday and charged with burglariously entering Government buildings at West Point, and steading 300 pairs of call-skin boots. They confessed their guilt and

were held for trial.

Seizure of Luger, de.—A truck and two horses—the truck containing 33 kegs of lager—were seized yesterday and held for confiscation on the ground that the stamps on the kegs had been canceled. Conrad Stem, a brewer in Fifty seventh-st., between Tenth and Eleventh-aves, who is the owner of the property, was brought before Commissioner Osborn and held in \$1,000 bail for an examination.

amination.

The Kurtzman Case. - In this case, in which Otto Kurtz-

Counterfeit Treasury Drufts.—Robert Martin, who had been arrested on a charge of making faise dies and plates for counterfeiling United States securities and Treasury drafts, and discharged by Commissioner Shields under the supposition that he was lawfully engaged in making the dies and plates—which were claimed to be genuine—by the Treasury Department, has been again arrested on the original charge, it being believed that there are encumstances surrounding the case needing explanation, and held for examination to morrow.

Charge of Passing Consterfeit Money.—Edward A. Dibbell, cashier for Waite & Smith, corner of Greene and Fourth-sts., was brought before Commissioner Shields, yesterday, charged with having, on the 13th inst, passed a counterfeit 20 mote on the National Bank of Commerce on Aaron Franks. He denied passing the note and was discharged on his own recognizance to appear or an examination this morning.

Alleged Making of Faise Bonds.—Bernard Hess appeared yesterday before Commissioner Osborn and charged Edward Laurence, Julius Knopf, and one Rosenheim (whose first name he did not know) with having, on the 3d of last month, made a faise and fraudalent bond in the sum of \$1,700. The bond was what is known as a cigar-manufacturer's bond, Laurence, whose

A Constricting Case.—Morris Cornen, who was charged, before Commissioner Shields, with passing a \$20 counterfeit note on the ticket agent of the New Jersey Radroad Company, and who failed to appear for an examination, for which he had given ball, has finally appeared before the Commissioner, and, by consent of the District Attorney, although he had been formally committed to await the action of the Grand Jury, has been allowed to appear for an examination this afternoon.

COMMON PLEAS—SPECIAL TERM.

Before Judge Loew—Practice—Stoughton agt.

Moser.—The plaintiff in this case sued for \$5,000, for professional services. The defendant answered countermanding \$3,000 for neglect and mappractice in those services. The plaintiff then demanded a discontinuance, offering his costs. Defendant meanwhile had commenced an action against plaintiff for \$5,000, for goods sold and delivered, and, fearing that this \$5,000 claim might be set up in his own action, refused to sign the discontinuance. The plaintiff therefore applied to the Court for an order for a discontinuance on payment of costs.

Defendant opposed before the Court, arguing that the Court would not order a discontinuance when the plaintiff might be injured by it; that if this discontinuance were allowed the claim would not order be seen as as a counterclaim, and it was then very doubtful whether his own counterclaim to that for \$33,000, being in tort, could be set up by reply, or, if so, if there could be any recovery on it beyond the mere defeat of the counterclaim. In that event, they would get but \$5,000 on the counterclaim, yet the balance of \$48,000 would be irrecoverable as res adjudicata.

The Court suggested that all this difficulty could be obviated by defendant's at once bringing suit on his counterclaim, but finally took the papers, reserving its decision. Mr. Da Costa for plaintif; Mr. Gudersleeve for defendant.

defendant. -SUPREME COURT-CHAMBERS.

Before Mr. Justice Barnard .- The Eric Rail-Before Mr. Justice Barnard.—The Eric Railvey agt. Ramsey et ai.—A motion was made in this case
to punish Mr. Kamsey for violating the temporary injunction on it, restraining him from proceeding in his
own suit against the Railway, in making a motion before
Judge Marray after the service of the injunction in this
case on him. Mr. Porter claimed that the question of punishiment of Mr. Ramsey was in part a question of juridiction in the Court to issue the injunction—a question
which had been submitted on the argument some days
ago. He submitted that it was not worth while to reargue that point unless the Court desired it, at any rate,
till after the decision of the motion now before the Court.
Mr. Field would have no objection to an adjournment,
but that it had been held that after an injunction had
been dissolved it was too late to make a motion to punish
for its dissolved jence.

Judge Earmard suggested that the motion had been
made, and would not necessarily fail if the injunction

made, and would not necessarily fall if the injunction were dissolved. He thought it better to adjourn it till after the decision of the other motion.

Motion adjourned to the fourth week in January. Mr. Field, for relator; Mr. John K. Porter, for respondents.

COMMON PLEAS-SPECIAL TERM.

Before Judge Loew.—Lewis agt. The Park National Bank.—In this action over two years ago a dematrer was interposed by the defendants successfully, and a judgment given for them for costs. Thinking that the Broadway Bank was the real party in interest, and that Lewis whom they could not find was but a mere cover, they moved for an examination of the President of that Bank to ascertain that fact. This was last December. An order to show cause why this motion should not be vacated with an intermediate stay was granted, and the testimony of the President was not obtained. Nearly a year passed before Judge Brady denied that motion, whereupon the defendants again tried to obtain the President's testimony. An appeal was then taken from this order, and a stay of proceedings was granted pending the appeal. The case came up on a motion to vacate this stay on the ground that there was fothing in the appeal, and that no injury could come to any party by taking the testimony of Mr. Palmer. The Court took the papers reserving its decision. Mr. Bariow for motion, Mr. Burrill and Mr. Seward opposed. Before Judge Lock .- Lewis agt. The Park Na-

UNITED STATES CIRCUIT COURT.

Appointments of Judge Woodruff.—The Hon. Lewis B. Woodruff, the newly-appointed United States Circuit Judge, will not hold Court in this District for the present. He will hold the Circuit Court in Albany to dispose of the business on the calendars, and will commence sitting in the District about Feb. 1, to hear all cases on the calendar except jury cases. He will commence taking up jury cases on the 1st Monday in April.

UNITED STATES COURT BUILDINGS. All the offices in the U. S. Court Buildings were closed at noon yesterday, on account of the funeral of ex-Secretary Stanton.

CRIMINAL

At the Tombs Police Court, yesterday, Justice At the follows rolled Court, yesterday, Justice Hogan committed Wm. Stetson for having forcetly entered the premises of Andrew Limberg at No. 5 Peck-slip, through a rear window, and stolen \$200 worth of wearing apparel and other articles. The property was found in possession of the prisoser... John Martin was committed for having attempted to steal a barrel of melasses from in front of the store of Appgar & Co., No. 73 Dey-st.

In the Court of General Sessions, yesterday, In the Court of General Sessions, yesterday, before Recorder Hackett, on motion of Judge Stuart and J. H. Authon, Engene Finck implicated in the Gray-Pratt detalection was admitted to ball in \$25,000; Joseph Vasquez, who killed his paramour in Crosby-st., in October list, was arraigned for marder in the first degree, and plead not guilty. His counsel moved for the issuing of a commission to examine witnesses in Cuba, for the purpose of showing that the prisoner was subject to his of insanity. The motion was granted and the Court then adjourned for the term. At Jefferson Market Police Court, before Jus-

Mr. Rigglow? A. Within three days.

Q. Did you state the substance of this transaction to himsh general terms. I thought it was a little more than a white man could stand.

Q. About the 18th of March last were you in New-York with Mrs. Lewis? A. Yes, Sir, I was; Mrs. Lewis and i left Boston about the 16th, and stayed here until about the 18th; I came here to close an arrangement to go on one of the Pacific Mail Steamship Company's steamers; I communicated that intention to Mrs. Lewis about a week before I left Boston; she came down to the St. James Hotel to dine with me, and we had a very carnest conversation; she said if we had more time I am satisfied these things could be explained and made right; sing afterward consented to accompany me to New-York that hight; we stayed here about eight days, and returned to Boston together; I went to the St. James Hotel, and she returned to her mother's.

Q. Was that trip a pleasant one? A. Wen, she was feeling very badly; but, so far as our relations were concerned, we were very pleasantly situated.

Q. I do not understand you to make any charges

Macdougal-st., and works for a sewing-machine companyJohn F. Drawbridge and Morris Phillips, the former charged with the larceny of \$275 worth of goods from Merrii & Pockellow, and the latter with receiving them, knowing them to be stolen, were fully committed yesterday in default of \$1,500 bail each... Edward Lord and Thomas Davis, two pickpockets, the particulars of whose latest offenses were given in The Tribune of yesterday, were rearraigned, and the complaint of the victim, Mrs. Briggs, recorded. Just before being taken to the police court, and while in the Twenty-fourth Precinct Station-House, in separate cells, Davis desired the doorman, David Walker, fo forward the following note, addressed, "Tom Davis," "3d floor, tenement house oa 44th-st., between 5th and 6th-aves." The paper is copied verbatim: "Tom you Must Go and Git Peter and have Him there in the morning to Swear to his Lether and I think you had Better have Howe the Lawyer on the xamunation. The Kid says that Evans the Copper told Him that she was Poor and could Not afford to Lose her money and i think that \$25. Dolls, would Fix her so that she Would not swear positively that the Bill is hers. On your Life Depends the Fulfilling of this. T. Davis." An examination was commenced, "Howe, the lawyer," appearing for the defense......The complaint against Max Steffer, who was remanded on Sunday, as was published in The Tribune, was taken yesterday, John Mulford, General Freight Agent of the N. Y. C. and H. R. R. R. Co., preferring the charge. The theit amounts to more than was supposed at first, is pieces of water-proof cleth having been stolen, in place of six. The total value is \$480. The cloth belonged to the Raritan, Woolen Mills Co., who shipped it to this city, and the bundles wers taken from the freight depot of the R. R. Co., on Tenta-ave. Mr. Charles S. Spencer appearand for the defense, and asked for an examination, which will be field in \$a. tew days.

232. Dunham agt. Odeil.

SUPREME COURT—GENERAL THEM—Before a full bench SCPRIME COURT—SPECIAL THEM. 157. Knapp & an'r agt. Blodgett. 159. Failen agt. Woodworth. 156. Higginson agt. Pendiet 169. Higginson agt. Pendiet 132. Pierson agt. Donovan.

140. Higginson agt. Pendieton.

153. Knumett agt. Seton.

154. Wood agt. Muldoone.

171. Farrell agt. Spence.

177. Griswold agt. Banka.

179. Rance agt. Laing.

192. Bixby agt. Couse.

212. Senior agt. Hurre.

215. Abrahama agt. The Hebrer

Benevolent Aylun Societ

of N. Y.

222. Rivann agt. Sterzeibach. 188. Despard agt. Churchill.
194. Young agt. Young.
211. Roether agt. Baach.
216. Robinson agt. Brisbane.
4. Marvin agt. Browning.
10. Cladin agt. Kellr.
56. Solomon agt. Jackson.
100. Mans agt. Mevers.
102., Council agt. Graves.
SUPARME (

mon agt Vander Roes 102. Conneil agt, Graves.

SUPREME COURT—CRAMERISION OF WARTER

100. Merserole agt Goldanith.

107. Fisk, Jr., agt, Rupler, implid.

107. Meyer agt. Nat. Ex. Co. and 241. In re the Petition of Bitchardson another.

206. Same agt same.

236. Hanford agt. Hanford.

238. Ju re Petition of Marx Levy.

BROOKLYN BOARD OF ALDERMEN.

A communication was received from the Controller at the meeting yesterday, in response to the resolution of the Common Council of the 13th of December, in relation to the number of bonds required to be changed from coupon to registered, stating that the number cannot well be ascertamed, as it depended on how often the bonds changed hands, and to what amount the persons holding coupon bonds would like to have them registered. On motion of Alderman Whiting it was referred back to the Controller to state how many issues of bonds were to be changed. The Committee on Printing reported in favor of awarding the contracts for furnishing registered bonds to J. F. Delahunt, Alderman Whiting moved to lay the matter on the table, as they had just adopted a resolution calling upon the Controller to state the number of bonds required. Alderman Clancy rose to a point of order. He had just learned that Alderman Whiting was a contractor for the city, and as it was in violation of the charter, his seat in the Board was vacant. The Chairman decided that the matter had nothing to do with the motion before the Board. Alderman Whiting wanted to know whether, as in his contract with the Board should, after fair and open competition, have a contract from parties, although remotely connected with the city, than that members of the Board should, after fair and open competition, have a contract from parties, although remotely connected with the city, than that members of the Board should. After fair and open competition, have a contract from parties, although remotely connected with the city, than that members of the Board should. The Board should hold their hands over, not in the City Treasury. He moved as an amendment that the contract be given to Delahunt at the price of \$50 for each book of 500 bonds. Alderman Clancy said that Alderman Whiting was always custing siurs at the Controller, and that the Alderman of the Twentieth was actuated by personal motives. Alderman Fisher did not think that they should delegate their powers to the Controller, and that the Alderman of the Twentieth was actuated by personal motives. Alderman Fisher did not think that they should delegate their powers to the Controller, as in this case he would have expende from coupon to registered, stating that the number cannot well be ascertained, as it depended on how often the

UNITED STATES DISTRICT-ATTORNET'S OFFICE—
WHAT WAS DONE IN 1869.

The following are the names of the persons employed in the office of the United States District At-

torney:

Edwards Pierrepont, United States Attorney; William Stanley, Benjamin K. Phelps, and Thomas Simous, Assistant United States Attorneys; Dudley F. Phelps, Joseph C. Jackson, Ambrose H. Purdy and Luther W. Emerson, law cierks; Henry Donne, George S. Sedgwick, Nicholas P. Hayes, Joseph A. Leonard, and Daniel Hitchen, Celerks.

SUMMARY OF BUSINESS. Internal revenue saits in rem commenced.... Castom House seiture suits commenced.... Criminal suits commenced..... .1,545 Total number of suits discontinued Total number of an its discontinues.

Suits against the Collector pending.
Custom-House hand suits pending.
Law and equity suits pending.
Internal revenue suits in personam pending.
Custom-House a-isure suits pending.

..5,993

THRUST OUT TO DIE IN THE STREET.

A revolting case of cruelty came to light yesterday. Daniel Sullivan, 13 years of age, who has been working in an umbrella factory, and boarding with a woman on Mulberry-st., became sick, and last week exhausted nearly all his means, so that he no longer paid for food, but lodging only. He paid his last quarter on Christmas night, when the woman told him he must go, Christmas night, when the woman told him he must go, but he was unable to move. Another lad named McLaughlin pitied him, and paid for Sunday night. The woman, thinking he would die and not wishing the trouble of burying him, carried him out in the street, where he was found by a neighbor, who conveyed him to the Five Points House of Industry, where he is receiving the care necessary to restore him to health. Daniel was unable to stand, being faint from hunger, as he had eaten nothing since Friday morning, and during the merry Christmas-day, in which others were so happy, he was suffering the agony of starvation, without a soul to minister to him in this city of abundance.

NAVAL.

The iron-clad Roanoake, six guns, to be used as the guard-ship of the port of New-York, is being rapidly put in order.

The iron-clad Miantonomah is lying at the cob dock.

The iron-clad Miantenemah is lying at the cob dock. The Saratoga has returned from the ordnance dock, after having her battery changed to eight-inch guns. The Benicia is at the ordnance dock. She is having slight repairs made in her circulating pump and to her capstan.

The Yantic is in dry dock.

The Froile has shifted her anchorage to a point near the upper end of Buttermilk Channel, so us to better observe the movements of foreign men-of-war in the North River, and to get out of the drift of the ice.

The Albany is still at anchor off the Battery.

Men are being enlisted at the Navy-Yard for shore duty. The pay is \$25 per month and rations.

THE ALLEGED MURDER IN CHARLTON-ST.

The fact of Mrs. Maria White having been found dead in the hallway of her late residence, No. 98 Charlton-st., on the night of the 20th-inst., has been given in THE TRIBUNE. If was conjectured that she had fallen while intoxicated and received a fracture of the skull.

while intoxicated and received a fracture of the skull. Coroner Flynn commenced an inquest, but could learn nothing definite, and adjourned the case. Since that time various rumors have been affoat concerning the manner in which Mrs. White net her death. Capt. De Camp of the Twenty-eighth Precinct has received an anonymous letter, signed "Samuel B.," in which the writer charges Edward Jones, a youth, with having caused the death of Mrs. White, and designates Peter Doyle and Neely Ward, young men residing in the neighborhood, as witnesses. Doyle has been arrested and ledged in the House of Detention, and officers are in search of Jones.

SUICIDE OF A SPANIARD

For nearly two years past Benito Antonio Peredes, a Spaniard, aged 50 years, residing with his wife and daughter at No. 142 Elm-st., has been partially insane. He was formerly a walter and interpreter at leading hotels. He became partially insane, and since then ing notels. He became partially insane, and since then has not done any work. At times he was much depressed, and has several times threatened to take laudanum. His wife declined to send him to the lunatic asylum, as he seemed harmless, but was closely watched. Yesterday, while the family were engaged in another part of the house, and Peredes was locked in his room, he stuffed a handkerchief in his mouth, and then suspended himself by the neck from a spike in the wall, and when Mrs. Peredes returned he was dead. Later in the day Coroner Rollins held an inquest, and a vertice of "suicide while temporarily insane" was rendered.

Chief-Justice Breese of the Supreme Court of Illinois has in hand a history of that State from its ear-liest date, including the Jesuit explorations and dis-